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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/832,420	04/10/2001	Guy Debras	F-736 DIV	1189	
75	7590 08/06/2004			EXAMINER	
Fina Technology, Inc.			DOROSHENK, ALEXA A		
P.O. Box 67441 Houston, TX			ART UNIT	PAPER NUMBER	
,			1764		
			DATE MAILED: 08/06/2004	4	

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)			
Advisory Action	09/832,420	DEBRAS, GUY			
navioury modern	Examiner	Art Unit			
	Alexa A. Doroshenk	1764			
The MAILING DATE of this communication app	ears on the cover sheet with	h the correspondence address			
THE REPLY FILED 12 July 2004 FAILS TO PLACE TH Therefore, further action by the applicant is required to a final rejection under 37 CFR 1.113 may only be either: (condition for allowance; (2) a timely filed Notice of Appearamination (RCE) in compliance with 37 CFR 1.114.	avoid abandonment of this a	application. A proper reply to a t which places the application in			
PERIOD FOR R	EPLY [check either a) or b)]			
a) \boxtimes The period for reply expires <u>3</u> months from the mailing da					
b) The period for reply expires on: (1) the mailing date of this no event, however, will the statutory period for reply expire ONLY CHECK THIS BOX WHEN THE FIRST REPLY WA 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The fee have been filed is the date for purposes of determining the period fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of (2) as set forth in (b) above, if checked. Any reply received by the Off timely filed, may reduce any earned patent term adjustment. See 37 of the content of the period filed.	later than SIX MONTHS from the S FILED WITHIN TWO MONTHS e date on which the petition under of extension and the correspondir f the shortened statutory period fo ice later than three months after t	e mailing date of the final rejection. GOF THE FINAL REJECTION. See MPEP 37 CFR 1.136(a) and the appropriate extensioning amount of the fee. The appropriate extension reply originally set in the final Office action; or			
A Notice of Appeal was filed on Appellant's 37 CFR 1.192(a), or any extension thereof (37 CF	s Brief must be filed within	the period set forth in ssal of the appeal.			
2. The proposed amendment(s) will not be entered b	ecause:	• •			
(a) they raise new issues that would require furth	er consideration and/or sea	arch (see NOTE below);			
(b) ☐ they raise the issue of new matter (see Note below);					
(c) they are not deemed to place the application i issues for appeal; and/or	n better form for appeal by	materially reducing or simplifying the			
(d) they present additional claims without cancel	ing a corresponding numbe	er of finally rejected claims.			
NOTE:					
3. Applicant's reply has overcome the following rejection					
 Newly proposed or amended claim(s) <u>16,23 and 24</u> amendment canceling the non-allowable claim(s). 	would be allowable if subm	nitted in a separate, timely filed			
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for application in condition for allowance because: Se	reconsideration has been e Continuation Sheet.	considered but does NOT place the			
6. The affidavit or exhibit will NOT be considered bec raised by the Examiner in the final rejection.	ause it is not directed SOLI	ELY to issues which were newly			
7. For purposes of Appeal, the proposed amendment explanation of how the new or amended claims we	t(s) a)⊡ will not be entered ould be rejected is provided	or b)⊠ will be entered and an I below or appended.			
The status of the claim(s) is (or will be) as follows:					
Claim(s) allowed: 16,23 and 24.					
Claim(s) objected to: <u>21 and 22</u> .					
Claim(s) rejected: <u>11,13,14 and 17-20</u> .					
Claim(s) withdrawn from consideration:					
8. ☐ The drawing correction filed on is a) ☐ approved or b) ☐ disapproved by the Examiner.					
9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)					
10. Other:		_			
		Alexa A. Doroshenk Examiner Art Unit: 1764			

U.S. Patent and Trademark Office PTOL-303 (Rev. 11-03) Continuation of 3. Applicant's reply has overcome the following rejection(s): 35 USC 112, first paragraph rejection and the claim objections of claims 17-22 in the office action of 04/06/04.

Continuation of 5. does NOT place the application in condition for allowance because:

Claims 11, 13, 14, 17, 19 and 20 continue to be rejected under 35 U.S.C. 102(b) as being anticipated by Platz (5,034,195).

Claims 21 and 22 are now objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. These claims are allowable for the same reasons for allowability as set forth in the Office Action of April 6, 2004.

Response to Remarks

The 35 USC 112, first paragraph rejection of claim 17-22 is withdrawn due to applicant's arguments.

The objection of claim 17-22 as presented in the Office Action of April 6, 2004 is withdrawn due to applicant's amendments to the claims.

Applicant argues that that newly added language ("to provide for removal of the waste gases from the preliminary reactor") in addition to the term "release" distinguishes the claims over the recycle stream of the prior art.

The examiner does not find the newly added language to impart any further structural limitations over what has already been recited in the claims so as to distinguish over the Platz reference. The examiner maintains that while the gases are in lines 24, 28 and 20 or in elements 26, 30 and 32, they are not in the reactor (10) and therefor have been "released" from it.

Applicant argues that the gases recycled in Platz are not "waste gases" as recited in applicant's claims or in light of the specification.

The examiner respectfully disagrees. The term "waste gases" has not been specifically defined by applicant in the claims or specification so as to exclude the gas stream of Platz (unreacted gas). Additionally, the examiner notes that the material or article worked upon does not limit an apparatus claim. MPEP 2115.

Applicant argues that the reactor (40) of Platz is not a loop-type reactor as called for in the claims and contends that the disclosure describes loop-type reactors as "polymerization reactors in which the polymerization reaction occurs as the polymerization medium is continuously circulated through the reactor".

Firstly, the examiner does not find the argued definition of the loop-type reactor in applicant's disclosure. Secondly, the examiner respectfully disagrees with applicant's contention that the reactor of Platz is not a loop-type reactor. The examiner finds (and applicant appears to agree on page 6 of their remarks) that the polymerization medium is continuously circulated through the loop formed by elements 40, 50, 54, 56, 58, 60 and 62 in that unreacted polymerization gases are fed through the recycle loop.